

preamble add "and the old Terry regiment and all other Texas regiments." In the third resolution add the names of General M. D. Ector and General L. S. Ross and Colonel Thomas Harrison after General John Gregg." Mr. Selman moved as an amendment to add Captain Douglas' Battery after Terry's Regiment. Mr. Burney moved to add "General H. B. Granbury." Amendment accepted by Mr. Durrant and his amendment adopted. Referred to Committee on Military Affairs.

The report of Finance Committee adversely to the petition of the Chief Justice of Tarrant County was adopted.

Mr. Hord introduced Joint Resolution of thanks to Colonel Santos Benavides. Read 1st time. [Read 2nd time.] Rule suspended. Read 3rd time and passed.

The report of Finance Committee on a bill to regulate State finances asking to be discharged was read. The report and bill was laid on table for the present.

A bill to repeal an act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches detached or removed from the home or place of residence of the owner or employer, with report of Committee on State Affairs recommending indefinite postponement. Read 2nd time. Report laid on table and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to prevent slaves from exercising ownership over property. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to amend the law suspending the laws for the collection of debts with report of Judiciary Committee recommending that it do not pass. Read 2nd time. The Senate then adjourned until 8 o'clock A.M. tomorrow.

Tuesday, May 24, 1864

Senate met, prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, recommended on behalf of the majority the passage of a bill to reattach Van Zandt County to the 9th Judicial District and to fix the time of holding courts therein.

Mr. Davis from Committee on State Affairs reported a substitute for a bill to incorporate the Guadalupe Manufacturing Company. .



**James Wiley Magoffin**  
**Senator from El Paso**

Source: Tomesa Casarey, "Magoffin,  
Founder of El Paso." **Junior His-  
torian**, XIII, No. 5 (March, 1953), 17.

The following bills were reported correctly engrossed.  
Bill to amend Article 527 of the Code of Criminal Procedure.

Bill to amend Article 820 of the Penal Code.

Joint resolution relative to impressments.

The Committee on State Affairs, Mr. Hord, Chairman, recommended the indefinite postponement of a bill to prevent slaves from exercising pretended ownership over property. Also the following report:<sup>6</sup>

Mr. Parsons offered the following resolution: *Resolved*, That the Committee on Finance be requested to take into consideration the propriety of using a portion of the funds appropriated for hospital purposes for the purpose of aiding such of our soldiers as have been permanently disabled in the late battles in Louisiana and Arkansas in returning to their homes and if in the opinion of said Committee such use of said funds be expedient and necessary that they report a bill making such disposition of said funds or if in their opinion it be necessary to appropriate any other funds for that purpose that they report a bill making such appropriation. Adopted.

Mr. Durant introduced a joint resolution relative to the disposition of cotton cards. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed.

A message from the House announced that that body had refused to adopt Senate's substitute for their bill to supply deficiency in State Treasury. The Senate adhered.

The question being taken on the adoption of the report of Judiciary Committee amending the law suspending the laws for collection of debts and resulted as follows:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Ford, Guinn, Jordan, Jowers, Moore of Davis, Montague, Parsons, Throckmorton, and Weatherford—13.

Nays—Messrs. Beasley, Cooley, Durant, Harcourt, Haskell, Hord, Kinsey, Knox, Magoffin, Moore of Bastrop, Peck, Quayle, and White—13.

The President voted nay.

The bill was then considered. Mr. Ford moved to strike out of proviso all from word "enemy's" to "on" and insert "or persons who abandon the country." Adopted. The bill was then engrossed by the following vote:

---

<sup>6</sup>This report cannot be located.

Yeas—Messrs. Beasley, Cooley, Davis, Durant, Harcourt, Haskell, Hord, Kinsey, Knox, Lea, Magoffin, Moore of Bastrop, Peck, Quayle, Selman, Throckmorton, and White—17..

Nays—Messrs. Burney, Charlton, Dickson, Ford, Guinn, Jordan, Jowers, Moore of Davis, Montague, Parsons, and Weatherford—11.

The Committee on Enrolled Bills reported as follows:  
Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled a joint resolution in reference to the frontier organization. The same being signed by the Speaker of the House of Representatives and President of the Senate was this day presented to his Excellency the Governor for his approval.

D. C. Dickson  
Chairman

The report of the Judiciary Committee on the petition of Lydia Davis was adopted.

A bill to incorporate the Beaver Iron Manufacturing Company was read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed by constitutional majority, Mr. Peck voting nay.

A bill to amend the estray laws read 1st time. Rule suspended, read 2nd time. Mr. Quayle moved to strike out the counties named so as to make the bill general in its operation. Mr. Burney moved to refer to State Affairs. Lost. Mr. Quayle's motion was then put and lost. Mr. Jordan moved to add Fort Bend, Brazoria, Matagorda, Wharton. Carried. Mr. Burney moved to add McLennan and Bosque Counties. Carried. Mr. Harcourt moved to insert Colorado and Fayette. Carried. Mr. Moore of Bastrop moved to insert Travis, Hays, and Bastrop. Carried. Mr. Magoffin moved to insert El Paso. Carried, and bill passed to 3rd reading.

A bill to regulate the election of Chief Justice and Associate Justices of Supreme Court was read 2nd time. Substitute reported to Judiciary Committee. Adopted. The bill was laid on table. A bill to authorize administrators and guardians to fund or exchange Confederate money on hand.



Read 2nd time. Report of Judiciary Committee recommending indefinite postponement of the bill adopted.

The resolution on adjournment laid on table for the present.

Joint resolution relative to conscription was read 1st time and referred to State Affairs.

A bill to provide for the distribution of the cloth manufactured at the State Penitentiary was read 1st time and referred to Finance Committee.

A message from House announced the passage of the following bills:

Senate's joint resolutions of thanks to Col. Santos Benavides and joint resolution of thanks to General Smith and the Army.

A bill for relief of the indigent families of Calhoun County.

A joint resolution in relation to the sick and wounded soldiery in Louisiana and Arkansas.

A bill to amend Article 965 of Code of Criminal Procedure.

And refused to recede from their position on a bill to supply deficiency in the State Treasury and ask for Committee of Conference.

Have passed Senate bill to provide for a revision of the laws and refused to adopt Senate's substitute for a bill to provide for regulating the finances of the State. And have passed a bill to prohibit the sale of ardent spirits within 5 miles of Waxahachie.

A bill amending an act authorizing the Comptroller to receive from railroad companies the interest due on their bonds. Read 1st time and referred to Finance Committee.

A bill to provide for the probate of wills in certain cases. Read 1st time. Referred to Judiciary Committee.

A bill to amend Article 820 of Criminal Code. Read 3rd time. Laid on table for the present.

A bill amending Article 527 of the Code of Criminal Procedure read 3rd time and rejected.

Mr. Beasley introduced joint resolution in relation to ordnance stores. Read 1st time.

A bill to incorporate the Henderson Masonic Female Institute. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by unanimous vote.

A bill to suspend the levy and collection of special tax by County Court of Comal County. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to incorporate the Dallas Manufacturing Company. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by constitutional majority, Messrs. Peck, Quayle, and Selman voting nay. A bill to incorporate the Falls of Brazos Manufacturing Company. Read 1st time. Rule suspended. Read 2nd time and referred to Committee on State Affairs.

A bill to amend 1st section of an act regulating juries. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to incorporate the Trinity Mills Manufacturing Company. Read 1st time and referred to Committee on State Affairs.

A bill to authorize the County Clerk of Hunt County to to revise and correct assessment rolls. Read 1st time. Rule suspended. Read 2nd time. Mr. Quayle moved to amend so as to make the provisions of the bill applicable to Tarrant County. Carried and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Messrs. Lea, Throckmorton, and Guinn were appointed Committee of Conference on the disagreement of the two Houses on the bill to supply a deficiency in the State Treasury.

Mr. Lea, Chairman of the Finance Committee, made the following report:<sup>7</sup>

Substitute reported by the Committee adopted and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Dickson moved to reconsider the vote laying on the table, a bill to repeal 1st section of an act to suspend the location and survey of the public land. Carried. Bill read 2nd time. Mr. Hartley offered a substitute. Lost. Mr. Hartley then offered the following amendment: "Strike out the 2nd section and insert: Section 2. That the Commissioner of the General Land Office is authorized to issue land scrip in certificates of not less than one hundred and sixty acres (except in the case provided for in the 4th section of an act entitled an act to authorize the sale of the Public

---

<sup>7</sup>Ibid.

Domain, approved February 11th, 1858) which certificates may be sold at the price of two dollars per acre, shall issue in the name of the purchaser, and may be located upon any vacant unappropriated public domain, not being set apart, held in reservation, or the location of which is prohibited by law." Lost.

Mr. Throckmorton offered a substitute for the 3rd section. Adopted.

Mr. Knox then offered the following: "Provided that no certificate for less than 160 acres shall be located on any water course, spring, or permanent water hole, except when entirely surrounded by previous survey." Adopted.

Mr. Weatherford offered to amend by reducing the price of land as determined by the bill just  $\frac{1}{2}$ . Lost.

Mr. Throckmorton moved to amend as follows: Add to 4th section: "and the alternate sections belonging to the state surveyed by internal improvement companies may be sold at the same price." Adopted.

Mr. Guinn offered the following: "Provided persons may have fractions of land surveyed less than 160 acres where the same is surrounded by previous surveys at 50 cents per acre.

Mr. Hartley moved to substitute the amendment as follows: "Provided that no certificate shall be issued and located on less than 160 acres unless the public domain on which it is located shall be completely surrounded by previous surveys."

The Senate then adjourned until  $\frac{1}{2}$  past 3 o'clock P.M.

3 $\frac{1}{2}$  o'clock P.M.

Senate met, roll called, quorum present.

The question before the Senate being the adoption of Mr. Hartley's substitute for Mr. Guinn's amendment, the consideration of the subject was on suggestion passed informally for the present.

Joint resolution relative to the sick and wounded soldiers of Texas in Louisiana and Arkansas. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend Article 965 of the Code of Criminal Procedure. Read 1st time. Referred to Judiciary Committee.

A bill to define the boundary of the headright league of land granted to James McNair and A. W. McLain of

Colorado County. Read 2nd time and lost on engrossment.

The Senate adhered to its substitute for House bill to provide for regulating the finances of the State.

The substitute of Mr. Hartley to Mr. Guinn's amendment before the Senate at its adjournment this morning was considered and the yeas and nays on its adoption stood:

Yeas—Messrs. Davis, Hartley, Harcourt, Haskell, Jordan, Jowers, Kinsey, Lea, Moore of Bastrop, Peck, and Selman—11.

Nays—Messrs. Beasley, Burney, Charlton, Durant, Ford, Guinn, Hord, Knox, Magoffin, Moore of Davis, Montague, Parsons, Quayle, Throckmorton, Weatherford, and White—16.

Mr. Guinn's amendment was then put and lost

Mr. Guinn then moved to strike out 50 and 75 cents wherever they occur and insert \$1. Adopted. Mr. Guinn then offered a substitute for the 3rd section: except the proviso "That when persons desire to purchase land scrip in quantities not to exceed 40 acres the same shall be sold at \$1.50 per acre and for scrip for more than 40 acres and not to exceed 80 acres at \$1.25 per acre and for all scrip in quantities of 120 acres and over the price shall be \$1 per acre." Adopted.

A message from House informed the Senate of the adherence of that body to their position on a bill to provide for regulating state finances and had appointed a committee of conference thereon. Whereupon the Senate appointed Messrs. Lea, Dickson, and Moore of Davis a like committee.

Mr. Hartley then moved to amend the bill under consideration as follows: "All surveys made under the provisions of this act, provisions surveys permitting, shall be made in a square except on navigable water courses and upon them they shall not front exceeding  $\frac{1}{2}$  the square of the survey." Lost.

The yeas and nays on the engrossment of the bill stood:

Yeas—Messrs. Burney, Cooley, Dickson, Durant, Ford, Guinn, Haskell, Hord, Knox, Lea, Magoffin, Moore of Bastrop, Montague, Parsons, Peck, Quayle, and Throckmorton—17.

Nays—Messrs. Beasley, Charlton, Davis, Harcourt,



Hartley, Jordan, Jowers, Kinsey, Moore of Davis, Selman, Weatherford, and White—12.

A bill for relief of Robert Robson. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill for relief of Robert Pulsford. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The Senate then adjourned until 8 o'clock A.M. tomorrow.

Wednesday, May 25, 1864  
8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following reports.

May 25, 1864

The Judiciary Committee has duly considered a House bill to be entitled an act to amend the 1st section of an act regulating juries, approved May 4, 1846. The object of the amendment is to subject persons over the age of sixty years and physicians and surgeons to jury service.

The bill also contains a *Proviso* which in effect defeats the object intended to be accomplished by requiring the jury list to be passed by selecting jurors of good moral character.

The committee think each one of the proposed changes to be unnecessary and inexpedient, and direct me to report the bill back to the Senate and recommend its rejection.

John T. Harcourt, Chairman

The Judiciary Committee has considered the joint resolutions of the act of Congress suspending the privilege of the writ of habeas corpus.

The Committee differ in opinion as to the correctness of such expressions, and some principles enunciated in the resolutions, but agree unanimously in condemning the action of Congress in the regulations they adopted for the execution of the law.

I am directed by a majority of the Committee to recommend the adoption of the resolutions.

John T. Harcourt, Chairman